

DONALD S. BEYER JR.
8TH DISTRICT, VIRGINIA
COMMITTEE ON WAYS AND MEANS
COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY
JOINT ECONOMIC COMMITTEE
(VICE-CHAIR)

Congress of the United States
House of Representatives
Washington, DC 20515-4608

WASHINGTON OFFICE:
1119 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4376
DISTRICT OFFICE:
1901 N. MOORE STREET
SUITE 1108
ARLINGTON, VA 22209

November 23, 2020

The Honorable Emily W. Murphy
Administrator
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Administrator Murphy:

I strongly urge you to begin transition activities so that the incoming Biden-Harris administration can use the time between now and January 20, 2021 as effectively as possible to serve the American people. During this time of great national peril, with COVID-19 cases skyrocketing and the economy at great risk, it is critical that the incoming administration is fully prepared to take action when President-elect Biden is inaugurated on January 20. Every day the transition is delayed will cause grievous harm to our nation.

As Administrator of the General Services Administration (GSA), you are legally required, as detailed in the Presidential Transition Act, to begin transition activities as soon as you ascertain “the apparent successful candidates for the office of President and Vice President.”¹ With the lives and livelihoods of millions of Americans at stake, it is incomprehensible that you have refused to take this action.

Despite losing the popular vote by nearly 3 million votes in 2016, President Trump’s 2016 winning margin in the Electoral College – 306 to 232 – was the same as President-elect Biden’s in 2020.² In the 2016 election, the GSA Administrator made the ascertainment determination the day after the election.³

¹ Henry B. Hogue. “Presidential Transition Act: Provisions and Funding.” Congressional Research Service. November 13, 2020. <https://crsreports.congress.gov/product/pdf/R/R46602>

² Federal Election Commission. Federal Elections 2016. Election Results for the U.S. President, the U.S. Senate and the U.S. House of Representatives. December, 2017. <https://www.fec.gov/resources/cms-content/documents/federalections2016.pdf>

³ Michael D. Shear, Maggie Haberman and Michael Crowley. “Trump Appointee Stands Between Biden’s Team and a Smooth Transition.” *The New York Times*. November 9, 2020. <https://www.nytimes.com/2020/11/09/us/politics/emily-murphy-trump-biden.html>

It has now been more than two weeks since the nation's leading news organizations declared President-elect Biden and Vice President-elect Harris the winners after they reached and surpassed the 270 electoral votes needed.⁴ While votes continue to be counted, President-elect Biden has accumulated nearly 79.9 million votes, the most in U.S. history.⁵ His winning margin is more than 6 million votes and climbing.

Prominent Republicans have begun to call on President Trump to acknowledge that he has lost and immediately begin the transition. After Georgia certified Joe Biden as the winner in the state on Friday and a federal judge dismissed on Saturday a Trump campaign lawsuit seeking to block certification of Pennsylvania's election results, U.S. Senator Pat Toomey (R-PA) said that "...President Trump should accept the outcome of the election and facilitate the presidential transition process."⁶ U.S. Senator Lisa Murkowski (R-AK) said Sunday in a statement that "It is time to begin the full and formal transition process."⁷

The business community agrees. Both the U.S. Chamber of Commerce and the National Association of Manufacturers have called for the transition of power to begin. U.S. Chamber of Commerce CEO Tom Donohue said that the administration "should not delay the transition a moment longer."⁸ Over 160 chief executives are calling for President Trump to begin the transition, writing that "withholding resources and vital information from an incoming administration puts the public and economic health and security of America at risk."⁹

Your unwillingness to accept the election results and your decision to block the start of the transition hamstring the incoming administration in multiple ways. It limits the incoming administration's ability to respond to the pandemic that has already taken the lives of more than

⁴ John Koblin, Michael M. Grynbaum and Tiffany Hsu. "Tension, Then Some Tears, as TV News Narrates a Moment for History." *The New York Times*. November 7, 2020.

<https://www.nytimes.com/2020/11/07/business/media/presidential-election-tv-networks-call.html>

⁵ Cook Political Report, Popular Vote Tracker. Accessed November 23, 2020. <https://cookpolitical.com/2020-national-popular-vote-tracker>

⁶ Statement from U.S. Senator Pat Toomey (R-PA). Toomey Statement on PA Federal Court Decision, Congratulates President-elect Biden. November 21, 2020. <https://www.toomey.senate.gov/newsroom/press-releases/release-toomey-statement-on-pa-federal-court-decision-congratulates-president-elect-biden>

⁷ Statement from U.S. Senator Lisa Murkowski (R-AK). November 22, 2020. <https://twitter.com/lisamurkowski/status/1330654366894870529>

⁸ Alex Gangitano. "Chamber of Commerce CEO: Trump 'should not delay the transition a moment longer.'" *The Hill*. November 19, 2020. <https://thehill.com/business-a-lobbying/526737-chamber-of-commerce-ceo-trump-should-not-delay-the-transition-a-moment>

⁹ Kate Kelly and Danny Hakim. "Business Leaders, Citing Damage to Country, Urge Trump to Begin Transition." *The New York Times*. November 23, 2020. <https://www.nytimes.com/2020/11/23/us/trump-biden-transition-business.html>

250,000 Americans, infected more than 12 million and is now spiraling out of control.¹⁰ It diminishes the incoming administration's ability to address the severe economic challenges facing workers, families, small businesses and state and local governments. It slows key appointments and preparations necessary for the new administration to hit the ground running on January 20, 2021.

The challenges facing the country are substantial and multifaceted. The need to plan, to coordinate with the outgoing administration, and to prepare for future challenges is critical. Two central challenges are addressing the pandemic and mitigating the hardships experienced as a result of the recession caused by the coronavirus. Of course, the two are intertwined because the economy cannot fully recover until the virus is contained as has been emphasized by top economists since the beginning of the crisis. Failure, for example, to enable coordinated planning for vaccine distribution will cost additional American lives and slow economic recovery.

Federal Reserve Chairman Jerome Powell repeatedly has said "until the public is confident that the disease is contained, a full recovery is unlikely."¹¹ In March, prominent former officials from Democratic and Republican administrations, including two former Chairs of the Federal Reserve, four former Secretaries of the Treasury and five former Chairs of the Council of Economic Advisers, released a letter stating that the number one priority for the economy was to stop the spread of the virus.¹²

The economic situation is somewhat better than many feared six months ago, but still dire. In October, there were more than 10 million fewer jobs than there were in February.¹³ The unemployment rate in October dropped to 6.9%—far below the 14.7% reached in April but still almost double the pre-pandemic unemployment rate of 3.5% in February.¹⁴ Nearly one-third of the unemployed have been jobless for six months or more. The unemployment rate for Black workers in October was 10.8% and 8.8% for Hispanic workers.

Moreover, the 6.9% unemployment rate understates the hardship in the labor market. It does not account for the fact that since February more than 4 million unemployed workers had given up looking for a job.¹⁵ Federal Reserve Chair Powell said in September that if those who had left the

¹⁰ Johns Hopkins University School of Medicine. COVID-19 Dashboard. <https://coronavirus.jhu.edu/map.html>

¹¹ Chair Jerome H. Powell. "Semiannual Monetary Policy Report to the Congress." June 16, 2020. <https://www.federalreserve.gov/newsevents/testimony/powell20200616a.htm>

¹² Economic Strategy Group. Economic Strategy Group Statement on COVID-19 Pandemic and Economic Crisis. March 25, 2020. <https://www.economicstrategygroup.org/publication/economic-strategy-group-statement-covid19/>

¹³ Federal Reserve Economic Data, Federal Reserve Bank of St. Louis. All Employees, Total Nonfarm. <https://fred.stlouisfed.org/graph/?g=wxP6>

¹⁴ Bureau of Labor Statistics. "The Employment Situation – October 2020." November 6, 2020. https://www.bls.gov/news.release/archives/empsit_11062020.pdf

¹⁵ JEC Democratic staff calculations using Federal Reserve Economic Data, Federal Reserve Bank of St. Louis. Labor Force Participation Rate. <https://fred.stlouisfed.org/series/CIVPART> and Bureau of Labor Statistics. Table

labor force since February were counted as unemployed, the unemployment rate probably would be 3 percentage points higher.¹⁶

Over 20 million workers received unemployment benefits in the week ending October 31, the most recent week for which data are available.¹⁷ At least 725,000 workers have continued to file regular initial unemployment claims every week for the past 35 consecutive weeks, with a peak of over 6.2 million in the week ending April 4.¹⁸ More concerning, 12 million unemployed workers will see their benefits expire at the end of 2020 without additional congressional action.¹⁹

The hardships are felt especially by small businesses. More than 20% of small businesses nationwide remain closed as a result of the coronavirus.²⁰ It is estimated that 4 million businesses will close permanently this year.²¹ Many small businesses have been sustained in part by federal support enacted under the CARES Act, but distribution of that critical assistance may face unnecessary disruptions if the transition continues to be delayed.

At a time when families are struggling to put food on the table, pay rent and cope with the many daily stresses of the pandemic, blocking the transition's access to key agencies may have devastating repercussions among those who most need government aid. For instance, states are receiving emergency supplemental funding for SNAP under disaster declarations. Millions of predominantly low-income families are still waiting for stimulus checks, and a delayed handoff at the Treasury Department could further impede the distribution of those funds. Eviction and foreclosure moratoria that are set to expire in the absence of additional government action threaten millions with loss of housing. Continued obstruction of transition planning for these emergency operations could have terrible consequences.

A-1. Employment status of the civilian population by sex and age.

https://www.bls.gov/news.release/archives/empst_11062020.pdf; Federal Reserve Economic Data, Federal Reserve Bank of St. Louis. Unemployment Rate. <https://fred.stlouisfed.org/graph/?g=wXTj>

¹⁶ Federal Reserve. Transcript of Chair Powell's Press Conference. September 16, 2020. <https://www.federalreserve.gov/mediacenter/files/FOMCpresconf20200916.pdf>

¹⁷ Department of Labor. Unemployment Insurance Weekly Claims. November 19, 2020. <https://oui.doleta.gov/press/2020/111920.pdf>

¹⁸ Federal Reserve Economic Data, Federal Reserve Bank of St. Louis. All Employees, Initial Claims. <https://fred.stlouisfed.org/series/ICNSA>

¹⁹ Elizabeth Pancotti and Andrew Stettner. "12 Million Workers Facing Jobless Benefit Cliff on December 26." The Century Foundation. November 18, 2020. <https://tcf.org/content/report/12-million-workers-facing-jobless-benefit-cliff-december-26/?agreed=1>

²⁰ Ray Sandza. "Main Street health: How did businesses fare in August?" Homebase. September 1, 2020. <https://joinhomebase.com/blog/main-street-health-how-did-businesses-fare-in-august/>

²¹ Andrew Van Dam. "As permanent economic damage piles up, the Covid Crisis is looking more like the Great Recession." *The Washington Post*. August 25, 2020. <https://www.washingtonpost.com/business/2020/08/25/permanent-economic-damage-piles-up-covid-crisis-is-looking-more-like-great-recession/>

Letter to Administrator Murphy

This is a moment when we need the incoming Biden-Harris administration in close consultation with those who have been running the executive branch for the past four years. It is time to facilitate an orderly transfer of power, enabling the transition planning that all Americans count on and deserve.

I implore you to put our nation's interest first.

Sincerely,

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DONALD S. BEYER, JR
Vice Chair, Joint Economic Committee